

# Energy Efficiency and Conservation Block Grant

## Tennessee Department of Economic and Community Development and the American Recovery and Reinvestment Act of 2009



## Subgrantee Information Packet

Energy Division  
EECBG Program  
312 Rosa L. Parks Ave., 10<sup>th</sup> Floor  
Nashville, TN 37243  
800-342-1340  
[ecd.energypolicy@tn.gov](mailto:ecd.energypolicy@tn.gov)

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## I. INTRODUCTION

The Tennessee Energy Efficiency and Conservation Block Grant (EECBG) Program is funded by the U.S. Department of Energy (DOE) under the American Recovery and Reinvestment Act (ARRA). Through the program, the Tennessee Department of Economic and Community Development (ECD) Energy Division awarded 149 subgrants totaling \$13.4 million.

The Tennessee EECBG Subgrantee Information Packet contains information important for Subgrantees to meet the requirements of the program. This Packet does not replace the EECBG Special Terms and Conditions attached to the EECBG contract received by Subgrantees.

Other information important to reporting, EECBG procedures and requirements, as well as updated EECBG Special Terms and Conditions and updated versions of this EECBG Subgrantee Information Packet are on the Tennessee ECD website at <http://tennessee.gov/ecd/recovery/eecbg.html>. Subgrantees should check this website on a regular basis to ensure they follow the most recent guidelines.

All communication, questions, and reporting regarding the Tennessee EECBG Program should be submitted to:

Energy Division  
ATTN: EECBG Program Manager  
312 Rosa L. Parks Ave, 10<sup>th</sup> Floor  
Nashville, TN 37243  
[ecd.energypolicy@tn.gov](mailto:ecd.energypolicy@tn.gov)  
615-741-2994, 800-342-1340

## II. GENERAL GRANT INFORMATION

### 1. Eligible and Ineligible Activities

Activities approved by ECD and DOE include development of an Energy Efficiency and Conservation Strategy, building retrofits, installation of small-scale renewable energy projects and traffic signal and street light retrofits. Awardees must complete the projects outlined in their applications. ECD must approve any changes to the activities.

Subgrantees will not expend funds, directly or indirectly, on gambling establishments, aquariums, zoos, golf courses or swimming pools according to the EECBG Special Terms and Conditions. Funds also cannot be used for construction, roofing, siding, purchasing computers, painting, or for the purchase of street light poles.

### 2. Reporting

Congress and the White House have emphasized the importance of transparency and accountability for projects involving ARRA funding. All funds are subject to unparalleled scrutiny. ARRA funds should be tracked separately from other funds at all times. Future guidance on the reporting of ARRA funds may be released at any time and retroactively applied to EECBG projects.

### *2.1 Monthly Reporting*

Awardees must submit monthly progress reports and monthly jobs reports by the 2<sup>nd</sup> of each month to report on grant activities and metrics determined by ECD and DOE. These metrics include jobs created, hours worked on the project, energy saved, renewable energy capacity installed and generated, greenhouse gas emissions reduced, energy cost savings, and funds leveraged. Awardees can find the forms to be used for these reports on the ECD website and as **Attachment 1** to this Packet. If the 2<sup>nd</sup> of the month falls on a Saturday, the reports will be due on the 1<sup>st</sup>, and if the 2<sup>nd</sup> falls on a Sunday, the reports will be due on the 3<sup>rd</sup>.

### *2.2 Final Reporting*

Communities will be required to submit a Final Report on their project within 90 days of completion of the project or within 60 days of contract expiration, whichever reporting period ends first. The Report will cover all activities completed during the grant period. ECD will send applicants guidance on the information needed for these reports. In lieu of monitoring energy and cost savings post project completion, communities should keep a detailed record of energy efficient retrofits accomplished, including the square footage of retrofitted buildings and the number of items installed, e.g., 90 T8 LED lights.

## 3. Monitoring

Authorized representatives of ECD, the Tennessee Comptroller's Office, the White House Office of Management and Budget, DOE and the Comptroller General of the U.S. shall have access to any Subgrantee records in order to conduct audits or examinations of the Subgrantee. ECD will work with Subgrantees to coordinate any monitoring visits to the greatest extent possible.

On-site monitoring by ECD representatives will take place at least one time per year during the course of the subgrant. Subgrantees will address any deficiencies found within the time-frame defined by the monitors and ECD staff. Failure to address deficiencies will result in subgrantee repayment of all funds disbursed.

## 4. Procurement

In accordance with ARRA §1554, to the maximum extent possible, Subgrantees will award contracts funded in full or in part with ARRA funds as fixed-price contracts through the use of competitive procedures. Most purchases will be covered by this clause:

*Procurement by Small Purchase Procedures:* This method of procurement covers relatively simple and informal procurement methods for securing services, supplies, or other property not exceeding \$100,000 in cost. With this method, price or rate quotations must be obtained from an adequate number of qualified sources. (10 C.F.R. 600.236(d)).

Other procurement procedures approved by DOE can be found in guidance from DOE at [http://www1.eere.energy.gov/wip/pdfs/eeecbg\\_procurement\\_guidance.pdf](http://www1.eere.energy.gov/wip/pdfs/eeecbg_procurement_guidance.pdf).

Non-competitive procedures (e.g. sole source or brand specific) are not encouraged as such purchases may not maximize the benefit of the federal funding. Contact the EECBG Program Manager if non-competitive procurement must be used. Justification will need to be provided.

After a subcontractor is procured, Subgrantees must check the Excluded Parties List System ([www.epls.gov](http://www.epls.gov)) to ensure the contractor has not been debarred or suspended from working with the federal government or declared ineligible from receiving contracts or subcontracts. The subcontractors DUNS number is required to complete this process.

The EECBG Program Manager must then approve all subcontractors before work can begin. The Subgrantee will submit information on the procurement process used, the subcontractor(s) selected and the DUNS numbers of the selected subcontractor(s). The EECBG Program Manager will notify the EECBG contact person when the subcontractor is approved.

## 5. Subgrantee Reimbursement of Funds

Subgrantees may submit invoices for repayment monthly. Each grantee will be provided an Excel file containing the three required invoice forms. To ensure timely reimbursements, grantees should submit to the EECBG Program Manager these forms, proof of obligation, proof of payment, and all applicable Buy American documentation. Note that repayment cannot be issued unless all compliance requirements are verifiably met. ECD will automatically deposit funds according to the ACH form submitted with the Subgrantee's application.

## 6. Waste Stream Plan

Communities must have a Waste Stream Plan in place before they begin work on the EECBG project. The plan should detail how the Subgrantee plans to dispose of all potentially hazardous waste generated by the project including asbestos, lightbulbs, lead, PCBs, etc.

A report on the waste generated and how it was disposed of must be submitted with the Final Report. This information will be reported by ECD to the Tennessee Department of Environment and Conservation, Division of Solid Waste Management; 5<sup>th</sup> Floor, L&C Tower; 401 Church Street; Nashville, TN 37243; ATTN: DOE/Energy Grant Recipients.

A sample Waste Stream Plan developed by the Tennessee Department of Environment and Conservation is included as **Attachment 2** of this Packet, was referenced in the EECBG contract the subgrantees received, and is available on the ECD website. This sample should act as a guide from which each community may tailor their own specific Waste Stream Plan.

## 7. National Environmental Protection Act

Most of the TN EECBG projects are exempt from NEPA review due to a categorical exclusion. If a Subgrantee has a project that is in any way outside of the eligible activities, a separate NEPA review will need to be conducted. Before beginning a project, send an email to the EECBG Program Manager with a list of all activities to be conducted. The list will be compared to the categorical exclusion list, and the EECBG Program Manager will send a return email with confirmation that the projects/activities are exempt. ECD will assist any communities that must go through the NEPA review process.

## 8. Posters and ARRA Logo

Subgrantees can find posters required at the work site on the ECD website. Those posters include Notice of ARRA Funding, Rights and Remedies Under ARRA and Davis Bacon Rights (if needed). The Davis-Bacon Wage Determinations or Tennessee Prevailing Wages applicable to the project should also be posted.

The Recovery Act logo must be displayed in a manner that informs the public that the project is a Recovery Act investment at the work site(s) and is on the Notice of ARRA Funding poster.

## III. HISTORIC PRESERVATION

For comprehensive training on the National Historic Preservation Act (NHPA) and its relationship to projects funded by EECBG subgrants, subgrantees should see the ECD website. All subgrantees must receive this training before beginning their projects, and subgrantees must keep documentation showing compliance with Section 106 of the National Historic Preservation Act as part of their EECBG files.

A Programmatic Agreement (PA) has been developed with the State Historic Preservation Office (SHPO) to expedite the Section 106 review process. A copy of this agreement describing the process and requirements of ECD, the SHPO and the subgrantees is also on the ECD website. Many common grant activities have been determined by the SHPO to not cause adverse effects to historic buildings and can be completed without a formal Section 106 review. This will allow the majority of the projects to move forward quickly while maintaining the integrity of the state's historic buildings and properties.

A flow chart describing the Section 106 review process expedited by the Programmatic Agreement between the SHPO and ECD is included as **Attachment 3** of this document.

Also included in the Packet is **Attachment 4**, a checklist to assist communities in the Section 106 review process.

At the time this packet was developed, the Programmatic Agreement had been submitted to DOE but not yet approved. Therefore the SHPO and ECD have developed a Memorandum of Understanding (MOU) that mirrors the PA and will serve as the governing document for the Section 106 review process until the PA is approved by DOE. When the PA is approved, it will supersede the MOU and all projects that have not begun the review process will follow the PA. The MOU is on the ECD website as well.

#### IV. DAVIS-BACON ACT

##### 1. Davis Bacon Act Requirements

According to the American Recovery and Reinvestment Act of 2009, all laborers and mechanics employed on any project funded by or funded in part by Recovery Act funds must be paid prevailing wages determined by the U.S. Secretary of Labor. The Davis-Bacon Act and related acts apply to all contracts over \$2,000.00 and contractors must pay prevailing wages and fringe benefits or their equivalent.

Davis-Bacon does not apply when government employees complete all of the work. **Attachment 5** of this Packet is an Acknowledgment of Davis-Bacon Requirements that each community must complete before beginning their project. This allows the EECBG Program Manager to know which projects will require monitoring of Davis-Bacon compliance and which are exempt. It also allows the Subgrantee to determine the appropriate job classification and wage determination for the project before beginning.

##### 2. Wage Determinations

In the contract packet sent to subgrantees, ECD included the current Davis-Bacon / U.S. Department of Labor Wage Rates for the Subgrantee's county, which include both wage rates and fringe benefits. However, those are subject to change. It is the responsibility of the Subgrantee to verify those rates when the project begins. The Subgrantee is also responsible for ensuring their subcontractor is paying the Davis-Bacon Wage Rate to their employees.

Department of Labor Wage Rates can be found at <http://www.wdol.gov/dba.aspx#0>. Subgrantees will include the appropriate Wage Rate in the contract with the subcontractors.

##### 3. Davis-Bacon Payment Reporting

Subcontractors must pay laborers weekly and submit the weekly payroll records to the Subgrantee who will submit them to ECD for review. Original forms must be sent. The payroll records should be kept for three years after the final project report is completed. Information needed with payroll records includes: name, address and social security number of each employee, their work classification, hourly rates of pay including fringe

benefits or their equivalents, daily and weekly numbers of hours worked, deductions made, actual wages paid, information regarding fringe benefit plans and programs and how presented to the employee (if applicable) and information regarding apprenticeship or training programs (if applicable).

Subcontractors can use the U.S. Department of Labor Wage and Hour Division Form WH-347 to submit the weekly certified payrolls. The form, as well as instructions for completing the form, are included as **Attachment 6** to this Packet.

## V. BUY AMERICAN PROVISION

### 1. Buy American Requirements

All of the iron, steel and manufactured goods used in projects funded by the Recovery Act for the construction, alteration, maintenance or repair of a public building or public work must be produced or manufactured in the United States according to the Buy American provision in the American Recovery and Reinvestment Act of 2009.

A manufactured good for the purposes of Buy American provisions of the Recovery Act is a good “brought to the construction site for *incorporation into the building or work* that has been processed into a specific form and shape; or combined with other raw material to create a material that has different properties than the properties of the individual raw materials.” 2 C.F.R. 176.140(a)(1). Only goods permanently attached to real property are covered by the Act. The components used in the manufacturing process do not have to be from the U.S. The production or manufacturing facility must be located in the U.S. or its territories.

### 2. Buy American Exceptions and Waivers

The exceptions to the Buy American requirements include

- Non-availability: product not produced or manufactured in sufficient and reasonably available quantities of a satisfactory quality
- Unreasonable cost: product will increase cost of the *overall project* by more than 25%
- Inconsistent with the public interest

If a grantee believes one of the exceptions applies to their project, a waiver can be applied for with the Department of Energy. ECD will assist a community applying for a waiver.

Additionally, categorical waivers have been issued by the Department of Energy for certain products it has determined are not readily available. These waivers include fluorescent electronic lighting ballasts, LED traffic lights and signals, compact fluorescent light bulbs and non-residential programmable thermostats among other



items. Any additional waivers and small exceptions to these are on the Buy American webpage at [http://www1.eere.energy.gov/recovery/buy\\_american\\_provision.html](http://www1.eere.energy.gov/recovery/buy_american_provision.html).

### 3. Buy American Documentation

Subgrantees should hold contractors responsible for complying with the Buy American provisions and should require documentation that the provisions have been followed. Appropriate documentation includes

- Receipts for items produced domestically indicating such
- A documented certification from the contractor, vendor, distributor, supplier, or manufacturer verifying that the product was manufactured domestically
- Detailed and verifiable information supporting the claim that the manufactured good has undergone substantial transformation in the United States and/or
- Other reasonable documentation per the discretion of the state, local, or tribal government financial assistance recipient demonstrating compliance with the Buy American provisions

Contact the EECBG Program Manager for help in determining if other documentation is appropriate.

## VI. ATTACHMENTS

Subgrantee Information Packet Attachments		
ID	Document	Required Action
Attachment 1	Monthly Reporting Forms	Submit by 2 <sup>nd</sup> of each month
Attachment 2	Sample Waste Stream Plan	Tailor this plan to govern waste disposal specific to your project
Attachment 3	Section 106 Compliance Flow Chart	Use these documents as well as the training on the ECD website as a guide through the Section 106 review process; submit before the project begins to the Program Manager
Attachment 4	Section 106 Compliance Checklist	
Attachment 5	Acknowledgment of Davis-Bacon Act Requirements	Submit before the project begins to the Program Manager
Attachment 6	U.S. DOL Form WH-347 with instructions for completing	Optional form and instructions for Payroll Records for Davis-Bacon Wage Rates to be submitted weekly

## ATTACHMENT 1 - MONTHLY REPORTING FORMS

### **EECBG: MONTHLY REPORTING FORM**

MONTH and YEAR: \_\_\_\_\_

COMMUNITY: \_\_\_\_\_

NAME of PERSON COMPLETING the REPORT: \_\_\_\_\_

TITLE of PERSON COMPLETING the REPORT: \_\_\_\_\_

MONTHLY METRICS:	THIS MONTH	CUMULATIVE
FUNDS SPENT		
FUNDS LEVERAGED		
FTE HOURS WORKED ON THE PROJECT		
JOBS CREATED		
ENERGY SAVED		
RENEWABLE ENERGY CAPACITY INSTALLED		
RENEWABLE ENERGY GENERATED		
GREENHOUSE GAS EMISSIONS REDUCED		
ENERGY COST SAVINGS		

**ACTIVITIES PERFORMED THIS MONTH:**

**PROGRESS MADE THIS MONTH:**

**ACTIVITIES PLANNED FOR NEXT MONTH:**

## ATTACHMENT 1 - MONTHLY REPORTING FORMS

**ACTUAL OR ANTICIPATED PROBLEMS AND HOW THEY ARE BEING RESOLVED:**

**LESSONS LEARNED:**

**SUCCESS STORIES:**

I certify that to the best of my knowledge and belief the data and information presented above are correct.

\_\_\_\_\_  
Type/print name of authorized official

\_\_\_\_\_  
Signature of authorized official

\_\_\_\_\_  
Title of official

\_\_\_\_\_  
Date

*All records relating to submission and approval of contract deliverables are collected, maintained and stored in the Department of Economic and Community Development's Energy Policy Office.*

**ADDITIONAL INFORMATION:**

**ECD Use Only:**

Reviewed and verified by: \_\_\_\_\_ Date: \_\_\_\_\_

ECD Energy Policy Office

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<-- Select Reporting Period
```

Total Jobs:		
Hours Worked & Funded by Recovery Act in Reporting Quarter	= 0.00	= FTE
Work Hours per Quarter	0.00	
Jobs Created:		
Hours Worked in Jobs Created & Funded by Recovery Act	= 0.00	= FTE
Work Hours per Quarter	0.00	
Jobs Retained:		
Hours Worked in Jobs Retained & Funded by Recovery Act	= 0.00	= FTE
Work Hours per Quarter	0.00	

	Total Hours Works in Jobs Created and Retained that are Funded Whole or in Part with Recovery Act Funds	0.00
Existing	Hours for Jobs Related	0.00
New	Subtotal Total hours for Jobs Created	0.00
Vacant	Total Hours Worked for Existing Positions that are Filled and Funded Whole or in Part with Recovery Act Funds	0.00
Definitions	Total Hours Worked for New Positions Created and Filled and Funded Whole or in Part with Recovery Act Funds	0.00
	Hours for Jobs Created	0.00

Total Hours Works in Jobs Created and Retained that are Funded Whole or in Part with Recovery Act Funds	0.00
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## ATTACHMENT 2 - SAMPLE WASTE STREAM PLAN

### **ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) WASTE STREAM PLAN**

#### **Environmental Requirements for Tennessee Grant Recipients:**

##### **General Requirements:**

The EECBG grantee shall perform the requirements of the grant in accordance with all applicable federal, state, and local environmental regulations, including those applicable to the removal, handling, and transportation of hazardous waste, universal waste, hazardous materials, asbestos waste, PCBs, and solid waste. The grantee shall recycle all materials that are reasonably recyclable. All mercury containing materials will be recycled unless prior permission is given by the Tennessee Department of Environment and Conservation (TDEC or the department) for an exemption.

The grantee shall submit to the state a report, no later than ninety (90) days after completion of the project and sixty (60) days after contract expiration, on the disposition of waste materials that shall include the materials removed, whether the materials were recycled or disposed of, and a list of the organization(s)/business(es), who received the materials. A brief statement shall be noted in the report for any materials that were disposed of that states the reason why that material was not recycled. The grantee will ensure its own personnel and/or contractors possess the required licenses and training to handle the materials (such as are licensed for asbestos removal, licensed to transport hazardous waste, etc.). An example grant environmental project completion report and further guidance on the general requirements can be located on the Division of Solid Waste Management's website at: <http://www.state.tn.us/environment/swm/>

The environmental report shall be submitted to:

Energy Division  
ATTN: EECBG Program Manager  
312 Rosa L. Parks Avenue, Tenth Floor  
Nashville, Tennessee 37243

Typical waste that is encountered in this program includes but is not limited to:

##### **Lights and Lightbulbs**

Lighting retrofits are one of the most common and effective energy conservation measures available. Replacing old lamps/lights/bulbs and magnetic ballasts with high efficiency lights or HID lights and electronic ballasts can save energy. In addition, these newer lights and ballasts provide a better quality of light, are quieter and last longer. All fluorescent lights and many magnetic ballasts contain hazardous materials that must be disposed of or recycled properly in order to avoid serious potential environmental and human health problems. Fluorescent lights contain mercury, and some old magnetic ballasts may contain polychlorinated biphenyls (PCBs). Fluorescent and Mercury Containing Lamps (Bulbs) shall be recycled per the universal waste regulations in Tennessee Rule 1200-01-11.12. No testing of these lamps is required. Ballasts must be tested for PCBs (or use manufacturer's information to determine that PCBs are not an issue). Ballasts shall be recycled if no PCBs are present. More information on PCBs is below.

## ATTACHMENT 2 - SAMPLE WASTE STREAM PLAN

<http://www.state.tn.us/environment/swm/toxicsubstancesprg/>

Information on firms that recycle materials can be found at the University of Tennessee's Center for Industrial Services website at:

<http://www.cis.tennessee.edu/environmental/recycle/>

### **PCBs (found in older ballasts)**

PCBs are long lasting, synthetic organic compounds that, due to their non-flammability, stability, high boiling point and insulating properties, were used in numerous applications including electrical and hydraulic equipment insulating oils, as plasticizers in paint plastics and rubber products and in pigments and dyes and hundreds of other industrial applications. PCBs were manufactured from 1929 until the Toxic Substances Control Act (TSCA) banned them in 1979 pursuant to regulations outlined [40 CFR 761](#). PCBs are still in use in older electrical equipment such as transformers and capacitors. Through a cooperative agreement with [EPA Region 4](#), the Tennessee's Toxic Substances Program conducts PCB Compliance Inspections to monitor use, storage, disposal, and management of PCBs by electrical utility companies, industries, scrap metal facilities, and other businesses. If you will encounter PCBs in your project, contact the Tennessee Toxic Substances Program at 615-532-0780 for more information and the latest updates. It should be noted that ballasts with PCBs can also be recycled.

### **Asbestos**

An asbestos project is any asbestos activity inclusive of developing management plans for schools, project designs, response actions, inspections, response action air monitoring sampling and clearance air sampling. Rule Chapter 1200-01-20 Asbestos Accreditation Requirements applies to asbestos containing materials and asbestos containing building materials in schools or public and commercial buildings. The Rule also requires the accreditation of training providers, firms and individuals engaged in asbestos activities. Accredited asbestos firms must employ accredited persons, ensure that accredited persons perform only the task specific to their respective discipline and ensure compliance with appropriate work practice standards. Accredited firms must also comply with the asbestos NESHAP regulation that is enforced by TDEC's Division of Air Pollution Control and local air programs located in Davidson, Hamilton, Knox and Shelby counties. Asbestos renovation activities and demolition conducted in these counties are under the jurisdiction of a local air agency which is the point of contact for notification and permitting requirements. Firms are required to submit the proper notification of asbestos renovation activity and the demolition of buildings to the appropriate state or local air agency. Listed below are helpful links to information regarding asbestos:

- Asbestos accreditation regulation: <http://www.state.tn.environment/swm/asbestos>
- NESHAP regulation and helpful links: <http://www.state.tn.us/environment/apc/asbestos/>
- Local county air agency information: Nashville/Davidson - (615) 340-5653; Chattanooga/Hamilton – (423) 643-5971; Knoxville/Knox – (865) 215-5914; and Memphis/Shelby – (901) 544-7587 or 7653.

## ATTACHMENT 2 - SAMPLE WASTE STREAM PLAN

### **Lead**

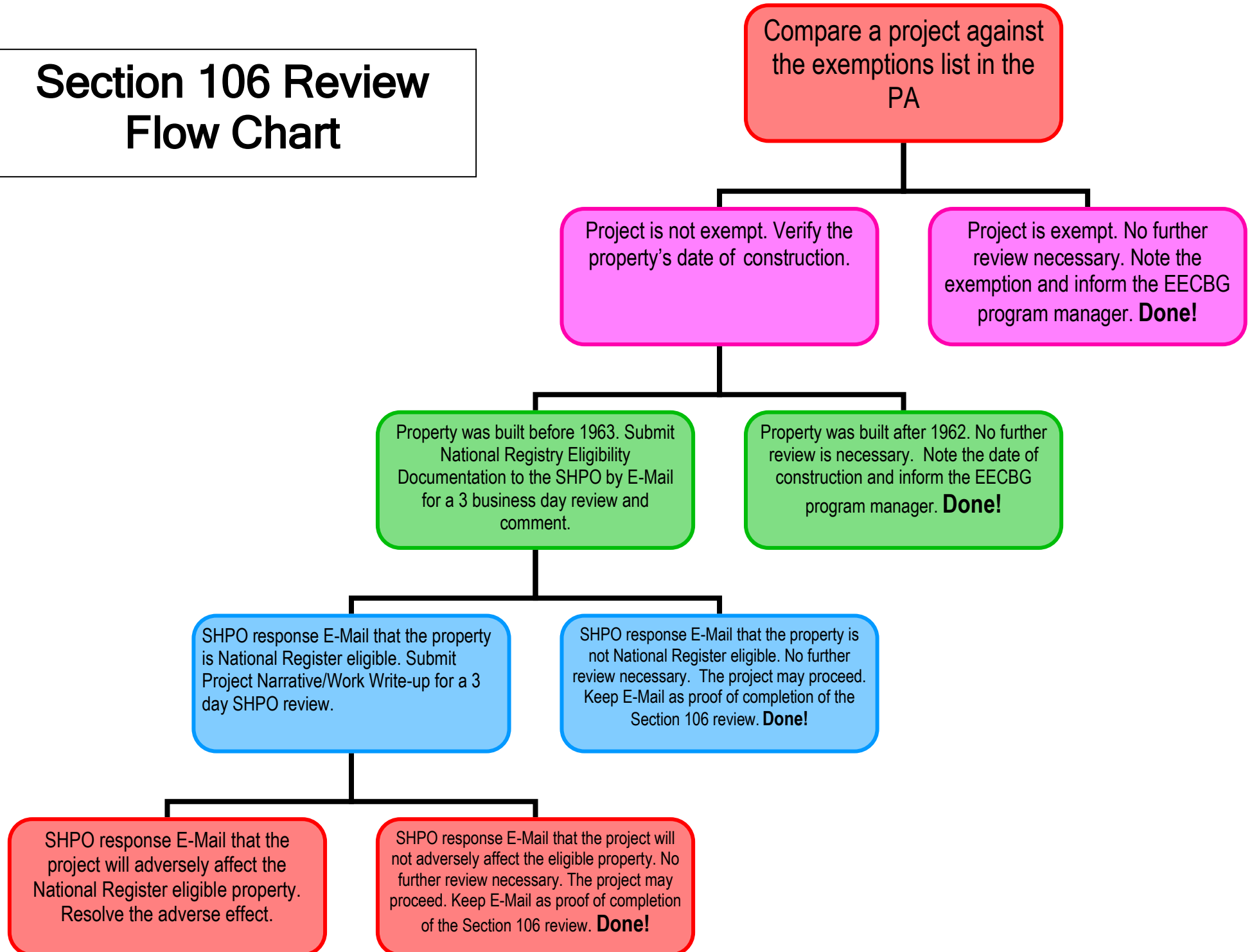
On April 22, 2008, EPA issued a Rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning in April 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, schools and other child-occupied facilities built before 1978 must be certified and must follow specific work practices to prevent lead contamination. To find out more about the Federal EPA Program, follow the link to the [Renovation, Repair and Painting Rule requirements](#) which is now in effect.

TDEC has drafted RRP regulatory requirements that are similar to the federal program. An effective date of TDEC's RRP Rule and program implementation is pending. Additional information for the State's RRP Program can be obtained by calling 1-877-819-6777.



## ATTACHMENT 3 - SECTION 106 COMPLIANCE FLOW CHART

# Section 106 Review Flow Chart



## EECBG Section 106 Compliance Checklist

You may need a new checklist for each property depending on the activities.

Property Name(s) and Address(es) \_\_\_\_\_  
Activity(ies) \_\_\_\_\_

1. Compare what you are proposing to do to each property on your list against Appendix A of the MOU.

- Listed as an exemption? \_\_\_\_\_  
-NO FURTHER REVIEW IS NECESSARY. Note the exemption and notify the EECBG Program Manager
- Not listed as an exemption? \_\_\_\_\_  
-Verify the property's date of construction

2. Verify the property's date of construction

- Built after 1962? \_\_\_\_\_  
NO FURTHER REVIEW IS NECESSARY. Note the age and notify the EECBG Program Manager
- Built before 1963? \_\_\_\_\_  
Submit National Register Eligibility documentation to the EECBG Program Manager by email for a 3 business day review and comment

3. Submit National Register Eligibility documentation to the EECBG Program Manager including

- \_\_\_\_\_ a copy of a cover letter requesting Section 106 Review of the National Register eligibility of the building or structure
- \_\_\_\_\_ the street address, city and county of the building or structure
- \_\_\_\_\_ several original 4x6 digital photographs of the exterior and interior of the building or structure and its surroundings
- \_\_\_\_\_ the building or structure's estimated date of construction

You may submit a Project Narrative/Work Write-up along with the National Register Eligibility Documentation.

The Project Narrative/Work Write-up should document the project in sufficient detail regarding the work to be performed on the property that is subject to SHPO review, including materials to be used. The work write-up must enable a reader unfamiliar with the undertaking or its location to gain a full understanding of the undertaking and all of its elements and their potential to affect directly and indirectly the subject historic property.

## ATTACHMENT 5 - ACKNOWLEDGMENT OF DAVIS-BACON ACT REQUIREMENTS

### Acknowledgment of Davis-Bacon Act Requirements

1. Have you determined that your project is exempt from the federal Davis-Bacon Act/Tennessee prevailing wage requirements?

☐ Yes (Continue to Question 2)

☐ No (Skip to Question 4)

2. The proposed project is exempt from Davis-Bacon Act/Tennessee prevailing wage requirements because it falls within the following category or categories:

☐ All project activities will be performed by the governmental agency's own employees

☐ Project activities do not include work done on a public building or public work by laborers and mechanics employed by a construction contractor or construction subcontractor

☐ All project work will be performed by executive, administrative, and professional employees, such as legal counsel, financial advisors, supervisors or employees undertaking any of the following activities: market surveys and marketing, tracking and reporting energy savings, conducting home energy ratings, energy audits or building commissioning inspections

☐ Other, specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Have you confirmed your determination that the Davis-Bacon/Tennessee prevailing wage requirements do not apply to your project with the United States Department of Labor (DOL)?

☐ Yes (Please attach any supporting documentation)

☐ No (Please attach any other documentation that supports your determination)

4. If Davis-Bacon/Tennessee prevailing wage requirements apply to individuals employed on your project, including individuals employed by subcontractors, then provide the name and contact information of the person who will be responsible for submitting certified payroll information to ECD on a weekly basis for all such individuals. It is the Subgrantee's responsibility to ensure that all certified payroll records are accurate, complete and submitted in a timely manner.

Signature: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Community: \_\_\_\_\_

Email and Phone Number: \_\_\_\_\_

Subgrantee DUNS #: \_\_\_\_\_

## ATTACHMENT 5 - ACKNOWLEDGMENT OF DAVIS-BACON ACT REQUIREMENTS

5. The following table will document and identify the job classifications the Subgrantee intends to hire in support of the project based on DOL Wage Determinations or Tennessee Prevailing Wages.

Job Classification	DOL Wage Determination or TN Prevailing Wage? (based on which is higher)	Number of individuals employed	Tasks to be performed	Wages to be paid

# ATTACHMENT 6 - FORM WH-347 WITH INSTRUCTIONS

U.S. Department of Labor

Wage and Hour Division (WHD)

## Instructions For Completing Payroll Form, WH-347

OMB Control No. 1235-0008, Expires 01/31/2015.

**General:** Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls. Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 C.F.R., Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Under the Davis-Bacon and related Acts, the contractor is required to pay not less than prevailing wage, including fringe benefits, as predetermined by the Department of Labor. The contractor's obligation to pay fringe benefits may be met either by payment of the fringe benefits to bona fide benefit plans, funds or programs or by making payments to the covered workers (laborers and mechanics) as cash in lieu of fringe benefits.

This payroll provides for the contractor to show on the face of the payroll all monies to each worker, whether as basic rates or as cash in lieu of fringe benefits, and provides for the contractor's representation in the statement of compliance on the payroll (as shown on page 2) that he/she is paying for fringe benefits required by the contract and not paid as cash in lieu of fringe benefits. Detailed instructions concerning the preparation of the payroll follow:

**Contractor or Subcontractor:** Fill in your firm's name and check appropriate box.

**Address:** Fill in your firm's address.

**Payroll No.:** Beginning with the number "1", list the payroll number for the submission.

**For Week Ending:** List the workweek ending date.

**Project and Location:** Self-explanatory.

## ATTACHMENT 6 - FORM WH-347 WITH INSTRUCTIONS

**Project or Contract No.:** Self-explanatory.

**Column 1 - Name and Individual Identifying Number of Worker:** Enter each worker's full name and an individual identifying number (e.g., last four digits of worker's social security number) on each weekly payroll submitted.

**Column 2 - No. of Withholding Exemptions:** This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Part 3 and 5.

**Column 3 - Work Classifications:** List classification descriptive of work actually performed by each laborer or mechanic. Consult classification and minimum wage schedule set forth in contract specifications. If additional classifications are deemed necessary, see Contracting Officer or Agency representative. An individual may be shown as having worked in more than one classification provided an accurate breakdown or hours worked in each classification is maintained and shown on the submitted payroll by use of separate entries.

**Column 4 - Hours worked:** List the day and date and straight time and overtime hours worked in the applicable boxes. On all contracts subject to the Contract Work Hours Standard Act, enter hours worked in excess of 40 hours a week as "overtime".

**Column 5 - Total:** Self-explanatory

**Column 6 - Rate of Pay (Including Fringe Benefits):** In the "straight time" box for each worker, list the actual hourly rate paid for straight time worked, plus cash paid in lieu of fringe benefits paid. When recording the straight time hourly rate, any cash paid in lieu of fringe benefits may be shown separately from the basic rate. For example, "\$12.25/.40" would reflect a \$12.25 base hourly rate plus \$0.40 for fringe benefits. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. When overtime is worked, show the overtime hourly rate paid plus any cash in lieu of fringe benefits paid in the "overtime" box for each worker; otherwise, you may skip this box. See "Fringe Benefits" below. Payment of not less than time and one-half the basic or regular rate paid is required for overtime under the Contract Work Hours Standard Act of 1962 if the prime contract exceeds \$100,000. In addition to paying no less than the predetermined rate for the classification which an individual works, the contractor must pay amounts predetermined as fringe benefits in the wage decision made part of the contract to approved fringe benefit plans, funds or programs or shall pay as cash in lieu of fringe benefits. See "FRINGE BENEFITS" below.

**Column 7 - Gross Amount Earned:** Enter gross amount earned on this project. If part of a worker's weekly wage was earned on projects other than the project described on this payroll, enter in column 7 first the amount earned on the Federal or Federally assisted project and then the gross amount earned during the week on all projects, thus "\$163.00/\$420.00" would reflect the earnings of a worker who earned \$163.00 on a Federally assisted construction project during a week in which \$420.00 was earned on all work.

**Column 8 - Deductions:** Five columns are provided for showing deductions made. If more than five deduction are involved, use the first four columns and show the balance deductions under "Other" column; show actual total under "Total Deductions" column; and in the attachment to the payroll describe the deduction(s) contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations, 29 C.F.R., Part 3. If an individual worked on other jobs in addition to this project, show actual deductions from his/her weekly gross wage, and indicate that deductions are based on his gross wages.

**Column 9 - Net Wages Paid for Week:** Self-explanatory.

## ATTACHMENT 6 - FORM WH-347 WITH INSTRUCTIONS

**Totals** - Space has been left at the bottom of the columns so that totals may be shown if the contractor so desires.

**Statement Required by Regulations, Parts 3 and 5:** While the "statement of compliance" need not be notarized, the statement (on page 2 of the payroll form) is subject to the penalties provided by 18 U.S.C. § 1001, namely, a fine, possible imprisonment of not more than 5 years, or both. Accordingly, the party signing this statement should have knowledge of the facts represented as true.

**Items 1and 2:** Space has been provided between items (1) and (2) of the statement for describing any deductions made. If all deductions made are adequately described in the "Deductions" column above, state "See Deductions column in this payroll." See "FRINGE BENEFITS" below for instructions concerning filling out paragraph 4 of the statement.

**Item 4 FRINGE BENEFITS - Contractors who pay all required fringe benefits:** If paying all fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor, show the basic cash hourly rate and overtime rate paid to each worker on the face of the payroll and check paragraph 4(a) of the statement on page 2 of the WH-347 payroll form to indicate the payment. Note any exceptions in section 4(c).

**Contractors who pay no fringe benefits:** If not paying all fringe benefits to approved plans, funds, or programs in amounts of at least those that were determined in the applicable wage decision of the Secretary of Labor, pay any remaining fringe benefit amount to each laborer and mechanic and insert in the "straight time" of the "Rate of Pay" column of the payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the application wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringe benefits, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on basic or regular rate, plus the required cash in lieu of fringe benefits at the straight time rate. In addition, check paragraph 4(b) of the statement on page 2 the payroll form to indicate the payment of fringe benefits in cash directly to the workers. Note any exceptions in section 4(c).

### Use of Section 4(c), Exceptions

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the covered worker as cash in lieu of fringe benefits. Enter any exceptions to section 4(a) or 4(b) in section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid each worker as cash in lieu of fringe benefits and the hourly amount paid to plans, funds, or programs as fringe benefits. The contractor must pay an amount not less than the predetermined rate plus cash in lieu of fringe benefits as shown in section 4(c) to each such individual for all hours worked (unless otherwise provided by applicable wage determination) on the Federal or Federally assisted project. Enter the rate paid and amount of cash paid in lieu of fringe benefits per hour in column 6 on the payroll. See paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

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**Public Burden Statement:** We estimate that it will take an average of 55 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

## ATTACHMENT 6 - FORM WH-347 WITH INSTRUCTIONS

**Note:** In order to view, fill out, and print PDF forms, you need Adobe® Acrobat® Reader® version 5 or later, which you may download for free at [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html). To save the completed forms on your workstation, you need to use the "Save As" method to save the file.

For example, move your mouse cursor over the PDF link and click on your "RIGHT" mouse button. This will cause a menu to be displayed, from which you will select the proper save option -- depending upon which browser you are using:

For Microsoft IE users, select "Save Target As"

For Netscape Navigator users, select "Save Link As"

Once you've selected the proper save option for your browser, and have saved the file to a location you specified, go to your program menu and start the Adobe Acrobat® Reader. Once open, locate the PDF file you saved and open it directly in Acrobat®.



**U.S. Department of Labor**  
Wage and Hour Division

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rev. Dec. 2008

NAME OF CONTRACTOR <input type="checkbox"/>	OR SUBCONTRACTOR <input type="checkbox"/>	ADDRESS	OMB No.: 1235-0006 Expires: 01/31/2015
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PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.

[illegible]

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Public Burden Statement:

(over)

ATTACHMENT 6 - FORM WH-347 WITH INSTRUCTIONS

Date \_\_\_\_\_

I, \_\_\_\_\_ (Name of Signatory Party) \_\_\_\_\_ (Title) \_\_\_\_\_ do hereby state:

(1) That I pay or supervise the payment of the persons employed by \_\_\_\_\_ (Contractor or Subcontractor) \_\_\_\_\_ on the \_\_\_\_\_ (Building or Work) \_\_\_\_\_; that during the payroll period commencing on the \_\_\_\_\_ day of \_\_\_\_\_, and ending the \_\_\_\_\_ day of \_\_\_\_\_, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said \_\_\_\_\_ from the full \_\_\_\_\_ (Contractor or Subcontractor) \_\_\_\_\_ weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS ☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH ☐ — Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	